

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. The applicants have reviewed the First (Non-Final) Office Action of November 2, 2004, and respectfully assert that this paper is responsive to all points raised therein.

I. Status of the Claims

Claims 1-35 are presently pending. Claims 1, 5, 8, 10 and 15 have been amended. Claims 19-35 are newly added.

II. Claim Objections

Claims 5, 8 and 15, were objected to, for grammar and spelling. The Applicant has made the changes suggested by the Examiner for these claims, and respectfully asserts that these objections have been cured.

III. Rejections Under 35 USC 102(b)

Claims 1-7 were rejected were rejected under 35 USC 102(b) as anticipated by Keeler (U.S. Patent No. 2,620,213).

Independent claim 1, as currently amended, is directed to structure including a housing having at least one detent, a slideable bolt for sliding at least partially within the housing, and a spring member for retaining the bolt in a frictionally snug engagement within the housing, the spring member including a portion for engaging the at least one detent of the housing to retain the bolt in an extended position (where it extends beyond the housing).

Keeler is directed to a surface bolt, where the bolt 15, includes edges that extend around and ride on base portions 17. The base portions 17 are anchored into a door or the like. A spring 25 attaches to the underside of the bolt 15, and its end 29 abuts the head of the base portion, to limit its movement. A bowed spring 23 rests over the other base portion. The spring 25 and bowed spring 23 provide the outward pressure for frictional retention of the bolt 15 over the base portions 17.

As the base portions 17 are below the bolt, in no way do the base portions function as a housing for the bolt, like the claimed housing. Moreover, the base portions serve to limit longitudinal movement of the bolt 15, but in no way are they the claimed detents of the housing, as they are not on a housing structure.

For the reasons above, Keeler does not show the claimed invention. Accordingly, Keeler does not anticipate claim 1 under 35 USC 102(b).

Since claim 1 is not anticipated by Keeler under 35 USC 102(b), claims 2-7, dependent thereon, are not anticipated by Keeler under 35 USC 102(b) for the same reasons. These claims further distinguish the invention over Keeler.

III. Rejections Under 35 USC 103(a)

Claims 8-18 were rejected were rejected under 35 USC 103(a) as obvious over Keeler (U.S. Patent No. 2,620,213) in view of Flowerday (U.S. Patent No. 5,472,248).

Claim 1, from which claims 8 and 9 depend, has been discussed above. That discussion is applicable here.

Claim 10 is similar to claim 1, but adds the limitation of the housing at least partially enveloping the bolt.

Keeler has been discussed above. That discussion is applicable here.

Flowerday is directed to a surface bolt, where a bolt 14 is covered by keepers 12, that are over guides 16. The bolt 14 includes inwardly bent ends that receive flanges 34 of the guides 16. Springs 40 push balls 42 upward from apertures 38. The upward force of the balls 42 on the bolt 14, places the bolt 14 in frictional contact with the keepers 12, so the bolt 14 does not slide out of the keepers 12.

While the keeper 12 of Flowerday has been cited to teach the bolt housing, it lacks, any detents as part of it, as recited in claims 1 and 10. Accordingly, as Keeler lacks a housing, combining it with a housing lacking a detent of Flowerday, still results in a structure that falls short of the claimed invention. Accordingly, since the combination of Keeler and Flowerday does not arrive at the structure of claims 1 and 10, it is respectfully asserted that claims 1 and 10 are non-obvious under 35 USC 103(a), in view of Keeler and Flowerday.

Since claims 1 and 10 are non-obvious under 35 USC 103(a) in view of Keeler and Flowerday, claims 8 and 9, and 11-18, respectively dependent thereon, are also allowable over the art of record for the same reasons. These claims further distinguish the invention over the art of record.

IV. New Claims

New claims 19-35 have been added to round out the scope of the invention. Claims 19 and 28 are the independent claims, from which claims 20-27 and 29-35 respectively, depend. Claims 19 and 28 are similar to claim 1, but add additional limitations. As claim 1 is neither anticipated under 35 USC 102(b), nor obvious, under 35 USC 103(a), in view of Keeler or

Flowerday, alone or in combination, it is respectfully asserted that claims 19-35 are also allowable over the cited art for the same reasons.

V. Conclusion

The applicant notes the Examiner's citations of Fleming (U.S. Patent No. 6,666,486), Kiselman (U.S. Patent No. 4,218,904), Van Herpen (U.S. Patent No. 3,806,175), Beherns (U.S. Patent No. 3,141,692), Segal (U.S. Patent No. 1,510,562), Vom Bruck (U.S. Patent No. 1,023,455), and Buckley, et al. (U.S. Patent No. 310,787), to complete the record.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, 1-35, is respectfully requested.

Respectfully submitted,

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